

Docket #:
79927/RLO
Customer No. 01333

explains how there are two separate IDs, one on the disk and the other on the drive.

The disc IDs are unique laser marks on each disc. As such, there is no common disc ID for a set of discs. The location of the laser marks are contained in an encrypted bar code that appears on the disc. The system lets a legitimate user acquire the location and play the disc. It is very difficult to reverse engineer the discs and a putative pirate cannot locate the laser marking with sufficient accuracy to break the security. See column 14, line 27- column 15, line 14. Unless the markings are applied to the same location on a pirated disc, the illegal copy will not work.

In summary, Oshima shows at most one ID on a disc, not both a DID and an SID. In addition, its disc ID is limited to a unique ID for each disc. It fails to show a software ID and it fails to show a disc ID used on multiple discs.

Yamgishi is deficient because it has only one code. Like Oshima, Yamgishi has a unique disc ID for every disc. It does not show or suggest multiple discs with common DID. Such an arrangement would be contrary to Yamgishi who relies upon unique disc IDs for each disc.

Spitzenberger is also deficient because it too has only one code and it uses that code for all discs. Spitzenberger uses the incremental addressing sequence of a duplicating program to defeat copiers. Copying is prevented by encoding the address of the sectors so that a sequence of consecutive, non-zero addresses is interrupted with a zero address. Spitzenberger uses a detection circuit in the player to detect the out of sequence addresses by looking for a sequence of non-zero addresses followed by a zero address. If the out of sequence addresses are present, the disc plays, if not present, the disc stops.

One problem with Spitzenberger is that it relies upon all players to have the same detection mechanism: look for the non-zero, zero address sequence. Another problem is that the system is easily defeated. Once a putative pirate knows about the non-zero, zero detection system, he can adjust a recorder to insert non-zero, zero address sequences.

In accordance with MPEP Section 2144.03, Applicant traverses the rejection based on Microsoft Windows XP and on AutoCAD. Applicant disagrees that the security devices on those systems are well known and further disagrees that, to the extent they are understood, they show or suggest the invention.

In accordance with MPEP Section 2144.03, Applicant requests that the Examiner produce documents that show and describe the security procedures used in Windows XP and AutoCAD. If the Examiner cannot produce such documents, then the references and the rejection based on Windows XP and AutoCAD should be withdrawn. If the Examiner produces such documents, Applicant further requests that the Examiner withdraw the final rejection and issue a non-final office action so that Applicant will have an opportunity to amend his claims to overcome the references, should such amendment be needed.

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The status of the rejection based on Windows XP and AutoCAD is crucial to further prosecution or appeal. If the references are not withdrawn and Applicant appeals the final rejection, Applicant will be forced to argue against phantom references that takes whatever form the examiner ascribes to them. This is patently unfair.

Applicant's attorney made a preliminary investigation of the cited products.

Attached is a printout from the Microsoft Web site that explains the Windows XP activation system. It explains the operation of the security system as follows:

Product Activation Overview

Microsoft Product Activation is an anti-piracy technology designed to verify that software products have been legitimately licensed. This aims to reduce a form of piracy known as casual copying. Activation also helps protect against hard drive cloning. Activation is quick, simple, and unobtrusive, and it protects your privacy.

Product Activation works by verifying that a software program's product key has not been used on more personal computers than intended by the software's license. You must use the product key in order to install the software and then it is transformed into an installation ID number. You use an activation wizard to provide the Installation ID number to Microsoft either through a secure transfer over the Internet, or by telephone. A confirmation ID is sent back to your machine to activate your product.

The Installation ID number includes an encrypted form of the product ID and a hardware hash, or checksum. No personally identifying data is included or required. The confirmation ID is simply an unlocking code for the Windows XP installation on that particular PC.

If you overhaul your computer by replacing a substantial number of hardware components, it may appear to be a different PC. You may have to reactivate Windows XP. If this should occur, you can call the telephone number displayed on the activation screen to reactivate the software.

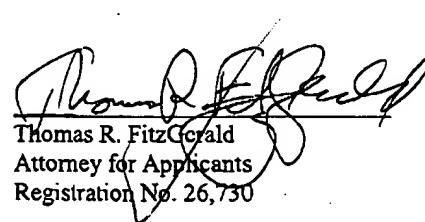
The above portion of the Microsoft document indicates there is one ID code on a Windows XP disc. That number is sent to Microsoft and they return a code that unlocks the software. Applicant's attorney is informed and believes that AutoCAD has a similar system for protection. The systems explained above indicate, at most, one ID code. The registration and verification routines for Microsoft XP and AutoCad are similar to the routine discussed in Oshima, above, who also has but one security code on a disc. As such, neither XP nor AutoCAD shows or suggest the invention.

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In summary, the art of record fails to show or suggest the claimed invention.
Reconsideration and allowance is requested.

Respectfully submitted,

Dated: 3/13/03


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Windows XP Product Activation

Content Updated: August 29, 2002

Microsoft is committed to the protection of intellectual property rights and the reduction of software piracy. Everyone in the economic chain—not just the software manufacturer—is hurt by piracy, including the reseller, the support provider, and you, the end user. Authentic Microsoft software assures you of high-quality, virus-free software. Pirated software does not.

Windows XP retail products contain software-based product activation technology, which means you need to activate your copy of Windows XP in order to use it. Some new PCs purchased with Windows XP pre-installed will also require activation. If your organization licenses Windows XP through one of Microsoft's volume licensing agreement programs such as Open License and Select License, you will not be required to activate those Windows XP licenses.

RELATED LINKS

- [Details about Microsoft Product Activation](#)
- [Details on SP1 Changes to Activation](#)
- [Answers to Questions About Microsoft Product Activation](#)
- [About Microsoft Product Activation and Microsoft's Volume Licensing Customers](#)
- [Microsoft Office XP Product Activation](#)
- [ZDNet: Top Windows XP Questions Answered, Including Product Activation](#)

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[Windows Product Activation Demo](#)
Learn more about how Windows Product Activation protects you from software piracy.

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Additional features have been added to provide a better customer experience, including an additional three-day grace period to reactivate after significant hardware changes and the ability for volume license customers to encrypt their volume license product key in unattended installations.

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Product Activation works by verifying that a software program's product key has not been used on more personal computers than intended by the software's license. You must use the product key in order to install the software and then it is transformed into an installation ID number. You use an activation wizard to provide the installation ID number to Microsoft either through a secure transfer over the Internet, or by telephone. A confirmation ID is sent back to your machine to activate your product.

The Installation ID number includes an encrypted form of the product ID and a hardware hash, or checksum. No personally identifying data is included or required. The confirmation ID is simply an unlocking code for the Windows XP Installation on that particular PC.

If you overhaul your computer by replacing a substantial number of hardware components, it may appear to be a different PC. You may have to reactivate Windows XP. If this should occur, you can call the telephone number displayed on the activation screen to reactivate the software.

Activate Windows XP Right Away

If you have not activated Windows XP, you will be reminded each time you log in and at common intervals until the end of the activation grace period of 30 days. If you have not activated Windows XP within this timeframe, you will need to do so to continue using it.

If you choose to activate your product over the Internet, upon your submission the activation wizard will detect your Internet connection and connect to a secure server to transfer your installation ID to Microsoft. A confirmation ID is passed back to your computer, automatically activating Windows XP. This process normally takes

just a few seconds to complete. No personally identifiable information is required to activate Windows XP.

To activate Windows XP over the telephone, you can simply call a toll-free* number displayed on your screen. A customer service representative will ask for the Installation ID number displayed on the same screen, enter that number into a secure database, and return a confirmation ID to you. Once you have typed the confirmation ID, the activation process is complete.

Product Registration

Product activation is not the same as product registration. As discussed above, product activation is required and is completely anonymous. Product registration, on the other hand, is completely optional. You may opt to provide personal information, such as your e-mail address, for product registration purposes. Registration entitles you to receive information about product updates and special offers directly from Microsoft. All registration information provided is stored securely and no information is ever loaned or sold to third parties.

Product Activation Protects Your Privacy at Every Step

Activation data and any optional registration data provided to Microsoft is stored in a secure facility. Microsoft's privacy statement is displayed during the activation process.

* Toll-free telephone numbers are available in all countries whose telephony infrastructures provide for them. The telephone numbers to call are displayed when telephone activation is chosen.

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